



USAID | INDONESIA

FROM THE AMERICAN PEOPLE

ISSUANCE DATE: November 20, 2005
CLOSING DATE: December 15, 2005
SOLICITATION NO.: Indonesia 06-002

**SUBJECT: SOLICITATION FOR U.S. CITIZEN, U.S. RESIDENT ALIEN OR
THIRD COUNTRY NATIONAL TO SERVE AS COMMERCIAL
LAW AND JUDICIAL REFORM ADVISOR**

The United States Government, represented by the U.S. Agency for International Development (USAID), is seeking applications (Standard Form 171 or OF-612) from U.S. Citizens, U.S. Resident Aliens or Third Country Nationals interested in providing the services described in the attached. This will be a local hire Personal Services Contract.

Submission shall be in accordance with the attached information at the place and time specified.

Any questions may be directed to Mr. Dale J. Gredler, Contracting Officer, USAID/Indonesia, who may be reached at FAX No. 62-21-3483-0222, or E-mail: dgredler@usaid.gov.

Applicants should retain for their records copies of all enclosures that accompany their proposals.

Sincerely,

/s/

Dale J. Gredler
Contracting Officer

ATTACHMENT 1

1. SOLICITATION NO.: Indonesia 06-002
2. ISSUANCE DATE: November 20, 2005
3. CLOSING DATE/TIME SPECIFIED FOR RECEIPT OF APPLICATIONS:
December 15, 2005, at 3:00 p.m. Jakarta Time
4. POSITION TITLE: Commercial Law and Judicial Reform Advisor. The applicant must be a U.S. Citizen, U.S. Resident Alien or Third Country National. This will be a local hire Personal Services Contract.
5. SALARY RANGE: \$64,478 - \$83,819 per annum
6. PERIOD OF PERFORMANCE: The position is for two years, with the possibility of extension for an additional two years
7. PLACE OF PERFORMANCE: USAID/Indonesia, Jakarta, Indonesia
8. POSITION TITLE OF DIRECT SUPERVISOR:
The Commercial Law and Judicial Reform Advisor will work under the supervision and guidance of the USDH Economic Growth (EG) Director and/or his designee, who will review and approve the incumbent's work plan and performance measures.

I. OBJECTIVE

The purpose of this statement of work is to procure the services of a Commercial Law and Judicial Reform Advisor for USAID/Indonesia's Economic Growth Office. The Advisor will: 1) provide technical analysis and guidance on all commercial law and regulation that is material to the EG Office and to Mission objectives; 2) provide technical assistance to judicial branch bodies in order to build capacity and strengthen practices and processes; 3) serve as program/project officer or Cognizant Technical Officer (CTO) for selected EG projects, and 4) assist in formulating strategy, and in designing and implementing the EG program and projects related commercial law and justice programs.

The Commercial Law and Judicial Reform Advisor will be a member of the EG Strategic Objective team and will facilitate cooperation and coordination with other USAID Strategic Objective (SO) teams, USG Agencies, implementing partners, key institutions and non-governmental organizations. The candidate will be recruited for two years, with the possibility of extension for an additional two years.

II. USAID ECONOMIC GROWTH PROGRAM

a. Background

Indonesia's economy has improved substantially since its collapse in 1998. Relative price, interest rate, and currency stability have been restored, with the outlook for the budget, the current account, the fiscal balance and debt service fairly optimistic.

Yet, the run-up in world oil prices in mid-2005 exposed the profound and pejorative affect that costly fuel subsidies have on the Indonesian economy. As the price of oil topped \$70 per barrel, the rupiah plunged to a four-year low and was followed south by the stock market which crossed the 1,000 mark on the JSX Index. If oil prices remain high, the cost of subsidies could vault higher, which will dampen economic growth, potentially double the budget deficit, and further drain foreign exchange reserves.

The impact of the mid-2005 market disruptions on business, particularly the small and medium enterprises that drive growth, could be substantial. Industries dependent upon imported or dollar-denominated inputs will feel the pinch. With growth prospects for 2005 now dampened, absorbing the millions of new-job seekers into the work force will be evermore of a challenge.

In as much as business is affected by "technical" shifts in the market, the constraints to growth are institutional. Pervasive corruption, intransparency and bureaucracy thwart domestic business and foreign investment. According to the Transparency International Corruption Perceptions Index, Indonesia ranks 133rd out of 146 countries, lagging far behind its regional competitors. Intransparency and bureaucracy hobble public procurement, licensing, permitting, taxation and the adjudication of commercial cases. Decentralization, which served valuable political purposes, has spawned a proliferation of nuisance taxes, fess and charges at the local level which further cloud the business and investment climate.

In 2006 and beyond, Indonesia must sustain the painful process of dismantling expensive subsidies, particularly in the energy sector. Removing these subsidies will help to redress many of the plagues that threaten macro-economic stability and financial sector safety and soundness.

The more daunting tasks, however, relate to improving the investment and business climates. A more hospitable environment for investment that is characterized by transparency, fairly and efficiently adjudicated legal proceedings and other variables is critical to reducing and removing nuisance taxes, streamlining business mobilizing private investment in enterprises, as well as for transport, energy, water and other key infrastructure. registration, and increased vigilance in fighting corruption will yield a better business climate that is fundamental to future growth, job creation and prosperity.

b. Strategy and Objectives

USAID/Indonesia and the Economic Growth Office adopted new five-year strategies late in 2004, and in May 2005, Deputy Secretary of State Robert Zoellick and Minister of State Planning Sri Mulyani Indrawati signed the \$78.3 million Economic Growth Strategic Objective Grant Agreement, which laid out broad goals and objectives for the partnership. The goals are driven by the Yudhoyono government's economic plan, and are also premised upon USAID's own assessment of need. The result is an increased focus on the micro-economy: the "real sector" comprised of micro, small and medium-sized enterprises that will generate a lion's share of future growth and employment. Whereas the prior strategy invested primarily in "post-crisis" stabilization programs, the new strategy is pro-growth.

In USAID parlance, the Strategic Objective of the Economic Growth Office is: "*Economic Growth and Job Creation.*" This is supported by two intermediate results:

- 1) financial sector safety and soundness improved and institutions strengthened; and*
- 2) business climate improved for enterprise development, trade and job creation.*

Improving financial sector safety and soundness, and strengthening institutions that are critical to Indonesia's business and investment climate will contribute directly to growth. Financial sector initiatives comprise those which assist in building specialized institutions, such as the Lembaga Penjamin Simpanan (LPS – Deposit Insurance Agency), and others which support transparency and broadscale efforts to combat corruption and financial crime. USAID has placed high-caliber advisors in key institutions, such as the Financial Intelligence Unit (PPATK), the Supreme Audit Commission (BPK) and the Corruption Eradication Commission (KPK). These efforts will be bolstered by a forthcoming judicial reform program that will assist the Supreme Court and related bodies to enhance and strengthen the Commercial Court and the nascent Anti-corruption Court.

Business Climate initiatives are those which influence and engage with enterprises directly. Projects will address how businesses register, source capital, and buy and sell goods domestically and overseas. In 2005 USAID launched major new initiatives, such as the G-8 Business Climate Pilot project which was conceived at the Sea Island, Georgia summit in 2004, and was formally announced by President's Bush and Yudhoyono in May 2005. The U.S. contribution to the G-8 Pilot that was brokered by the Economic Growth Office has since enlisted companion support from the Canadian International Development Agency (CIDA) and the Japanese International Cooperation Agency (JICA), two close partners in this and other initiatives that promote growth, jobs and prosperity.

USAID's 2005-2008 Economic Growth Program was conceived in close concert with numerous public and private sector counterparts. With them, the program will now be implemented. The broad goal is to promote growth, jobs and prosperity, with more specific

goals tied to domestic and international benchmarks against which progress will be measured.

USAID has adopted the Government of Indonesia's economic targets (see Table 1) and will deliver assistance to reach these, and other performance measures. Indonesia's Medium-Term Strategy is to promote economic development through sustainable high growth, increased employment and development of the rural economy, and USAID's programming responds to these priorities and will drive towards long-term goals seeking to halve the number of Indonesians living in poverty by 2009.

Table 1		
Medium-Term Development Plan		
(2005-2009 Forecasts)		
	2005	2009
GDP Growth	5.5	6.5
Nominal GDP (in billions of \$US)	288	408
Gross Fixed Capital Investment (% of GDP)	19.9	21.4
Gross National Savings (% of GDP)	22.7	21.2
Foreign Savings (% of GDP)	-2.8	0.2
External Debt (in millions of \$US)	129.9	114.8
<i>Source: BAPPENAS Medium-term Development Plan</i>		

c. Projects

USAID's Indonesia program is among the Agency's largest and most complex worldwide. The Economic Growth Office is one of four technical offices that shares a portion of the Congressionally appropriated budget that approaches \$150 million per year. In fiscal 2005, which extends from October 1 to September 30, the Economic Growth budget crept higher to \$16.9 million and represented roughly 14% of the Mission's total. Of this amount, substantially more than half (65%) was invested in programs supporting business climate reforms and enterprise development. The balance targeted financial sector and institution-building at a macro-economic level.

The Economic Growth portfolio comprises eleven major initiatives, of which eight were designed and tendered in the past year. This intense period of activity highlights the responsiveness of the Office to changing economic and political imperatives.

As discussed earlier, the portfolio addresses two intermediate results: one macro, the other micro. Projects supporting macro-economic and institutional reform include the

Financial Crime Prevention Project (FCPP), the Indonesia Deposit Insurance Project (LPS), and the forthcoming Specialized Court Reform and Strengthening Activity (SCORSA). Initiatives supporting business and enterprises directly include a raft of new projects including: Reduced Barriers to Market Entry (PROMIS), Indonesia Trade Assistance Project (I-TAP), Agribusiness High Value Commodities Market and Support Activity (AMARTA), Indonesia Enterprise and Agriculture Development Activity (SENADA), Increased Access to Energy for Economic Growth (IAEEG), and a credit guarantee program involving the use of “Development Credit Authority (DCA).”

Several projects concluded or will close in 2005, such as the SUCCESS Alliance. Key components will, however, be assumed by other projects, notably by SENADA and AMARTA.

d. Commercial Law and Judicial Reform

Specialized Court Reform and Strengthening Activity (SCORSA)

Indonesia’s business and investment climates are compromised by weak and inefficient adjudication of commercial and corruption law. A lack of transparency and pervasive corruption rank Indonesia among the most corrupt states, according to Transparency International. USAID, in conjunction with the Supreme Court, and other governmental and non-governmental interests, will launch a major effort to strengthen the capacity of the specialized courts: the Commercial Courts and the Anti-Corruption Court.

SCORSA has two goals:

- To assist in implementing the judicial reforms that are enumerated in the Supreme Court’s “2004 Blueprint for the Development of a Commercial Court”, and;
- Support a fully-functioning Anti-Corruption Court.

The tactics used to accomplish these goals will include:

- Implement and apply information technology to a broader array of tasks, including court proceedings;
- Increase public access to judgments and rulings;
- Improve methods/capabilities to draft laws, amendments and implementing decrees.
- Develop and implement studies on court financing and man-power requirements.
- Define specific criteria for appointments/recruitments for judges
- Implement improved HR and personnel management systems
- Strengthen budget planning and financial management systems
- Revise and suggest improved remuneration for commercial and anti-corruption court judges

The scope of USAID assistance will include technical and financial assistance, and will include equipment and other commodities that will promote efficiency in all aspect of court administration and operation. This may involve, for instance, enhancement of human resources systems associated with recruitment and retention.

Counterparts in this effort will include the Supreme Court, Commercial Courts, the Anti-Corruption Court, National Law Commission, Ministry of Justice, and other public, private and non-governmental interests.

III. STATEMENT OF WORK

The purpose of this statement of work is to procure the services of a Commercial Law and Judicial Reform Advisor for USAID/Indonesia. The incumbent will serve as the Commercial Law and Judicial Reform Advisor to the Economic Growth Office, one of four technical offices within USAID/Indonesia. As a member of the EG Team, s/he has primary responsibility advising the EG Office, but will also cooperate with other USAID and US government agencies in promoting legal and judicial reform. The incumbent will:

- oversee and guide elements of the EG portfolio related to commercial law and judicial reform,
- provide technical analysis and guidance on commercial law and judicial reform issues,
- serve as project manager and Cognizant Technical Officer (CTO) for selected EG programs, and
- assist in strategy formulation and implementation, and the design of programs and projects.

The Commercial Law and Judicial Reform Advisor will be a member of the EG Strategic Objective team and will facilitate cooperation and coordination with other USAID Strategic Objective (SO) teams, USG Agencies, implementing partners, key institutions and non-governmental organizations. The candidate will be recruited for two years, with the possibility of extension for an additional two years.

Major Duties and Responsibilities

- 1. Provide Technical Analysis and Guidance:** The Commercial Law and Judicial Reform Advisor will analyze commercial legislation and regulation relevant to the EG Office and to USAID/Indonesia programs. The Advisor will provide technical guidance to implementing partners, and may engage directly in legal and regulatory drafting and/or amendment. The Advisor will assist in implementing programs and projects which enhance and strengthen the judiciary, focusing on the commercial and anti-corruption courts, but not to exclude others as may be required. Technical analysis and guidance will contribute to strategy formulation and to new project design. The candidate will prepare regular and intermittent reports for the Mission and for Washington constituencies.

- 2. Program Implementation and Monitoring:** The Advisor will manage or assist in managing commercial law and judicial reform projects. This may include specific implementation duties and responsibilities associated with workplanning, project evaluation and monitoring, and administrative and financial oversight. The candidate will ensure that projects meet their objectives, and that they conform to relevant USAID and Federal guidelines and regulations. S/He will help develop relevant indicators, data collection systems and performance monitoring plans for new and ongoing activities to support commercial law and judicial reform.
- 3. Serve as a Project Manager and Cognizant Technical Officer (CTO):** The Commercial Law and Judicial Reform Advisor may serve as a project manager on one or a number of activities, and may act as Cognizant Technical Officer (CTO) for contracts, cooperative agreements or grants. The incumbent will provide technical analysis, direction and oversight to contractors or grantees; oversee contract and procurement-related issues; evaluate and monitor activities; prepare internal USAID program implementation documents, including Program Implementation Letters (PILs) and Modified Acquisition and Assistance Documents (MAARDs); manage financial matters related to activities such voucher approval, quarterly accruals, incremental funding, etc. Specific duties could also include preparing scopes of work, requests for proposals/applications, Acquisition and Assistance requests, decision memos, Congressional Notifications, and inter-agency agreement letters.
- 4. Establish and Maintain counterpart relations:** The Commercial Law and Judicial Reform Advisor will develop and maintain close contacts with a wide variety of institutions and individuals associated with commercial law and judicial reform. S/He will establish close working relationships with the courts, the Ministry of Justice and other relevant Ministries and GOI bodies, NGOs and others. S/He will engage directly with mid-level and senior-level Government of Indonesia (GOI) counterparts in the Indonesian Supreme Court, the Specialized Courts, the Ministry of Justice and other Ministries or Government Agencies with which USAID is working on commercial law and judicial reform. S/He will work closely with U.S. Embassy and other USG agencies, and with donor representatives. The Candidate will periodically represents the EG team to USAID stakeholders, external development partners and relevant GOI counterparts, in a wide variety of events, including conferences, workshops, donor meetings and other relevant forums on justice sector and legal reform.

Supervision

The incumbent will work under the direction of the EG Office Director or his designee, and will and coordinate with other members of the EG team. S/he may lead project design and implementation which will require the exercise of independent thought and judgment. The Candidate will work closely with a local commercial lawyer in implementing all related and relevant projects, and in providing technical support to commercial law and related elements of other projects within the EG portfolio.

Relationships and Responsibilities

The Commercial Law and Judicial Reform Advisor should be a professional, capable, leader who is able to engage effectively with Indonesia government, private sector and NGO representatives at senior levels. The nature and purpose of these contacts will often require the Commercial Law and Judicial Reform Advisor to exercise tact and diplomacy. The contractor will be supervised by the EG Office Director. Specific assignments will require the incumbent to work independently in conceiving and designing new initiatives, or modifications to existing initiatives.

IV. REQUIRED SKILLS AND QUALIFICATIONS

The Commercial Law and Judicial Reform Advisor must have prior educational and work experience in commercial law, regulation, and policy and/or judicial reform and strengthening. The candidate must have sound judgment, excellent writing and communication skills, and an understanding of U.S. foreign policy interests. The successful candidate must be able to accomplish a wide range of assignments on short notice, and function effectively as a team member.

In order to be considered for the position, a candidate must be a U.S. Citizen, U.S. Resident Alien or Third Country National, and must submit an application in accordance with the guidance below in Section XI, How to Apply. Candidates will be appraised according to selection criteria below. References are requested, and a interview may be required.

V. SELECTION CRITERIA

1. Educational Experience (20 points)

- An advanced degree in Law is required, with specialization in commercial or business law preferred.

2. Prior Work Experience (40 points):

- A minimum of eight years practicing law (commercial, contract, bankruptcy, copyright/patent, tax, trade, banking and finance) or significant experience in justice, or as a judge or court official;
- Five or more years of relevant overseas professional experience is desirable, with experience in the region preferred;
- Experience in legal, policy and regulatory reform is desirable;
- Experience designing, managing and/or evaluating legal and/or justice sector and anti-corruption activities with a U.S. or multi-lateral donor is desirable;

3. Knowledge (15 points):

- A comprehensive knowledge of justice sector and legal reform issues is required.
- Familiarity with Indonesia's political and economic climate is desirable.

4. Leadership/Interpersonal Skills (15 points):

- Candidates must possess sound and independent judgment, and conceptual skills that are essential to strategy and program design;
- Ability to function as a team-player, and to maintain and build professional relationships with USAID, Host Government, NGO and Contractor personnel is essential.

5. Language Proficiency/Communication Skills (10 points):

- Must be fluent in English and have proven ability to communicate clearly and concisely, both orally and in writing;
- Proven ability to compose reports and analyses;
- Ability to organize complex issues in a logical manner and communicate them precisely and clearly;
- Bahasa Indonesia language skills are desirable.

VI. DURATION OF CONTRACT

Two years, with the option to renew for an additional two years. The target date to fill this position is January 15, 2006.

VII. COMPENSATION

The position is classified at the GS-13 level (salary range \$64,478 - \$83,819). The actual salary of the successful candidate will be negotiated with the range, depending on qualifications and prior salary history.

VIII. MEDICAL AND SECURITY CLEARANCE

The selected applicant must be able to obtain a USG security clearance and a Department of State Class I medical clearance. The security clearance involves comprehensive investigation performed by the appropriate U.S. Government agency. Details on how to obtain U.S. Department of State Medical clearance will be provided once a job offer is made and accepted.

IX. TRAVEL WITHIN INDONESIA

The candidate must be willing to travel in Indonesia.

X. ORGANIZATIONAL LOCATION OF POSITION

The Commercial Law and Judicial Reform Advisor position is located in the Economic Growth Office (EG) of USAID/Indonesia in Jakarta, Indonesia.

XI. HOW TO APPLY

1. Please send a completed and signed Standard Form 171 or Optional Form 612 with resume containing the following information. Standard Form 171 or Optional Form 612 is available at the USAID website, http://www.usaid.gov/procurement_bus_opp/procurement/forms/SF171/sf171.pdf or <http://inside.usaid.gov/forms/of-612.doc>
 - a) Personal Information: Full name, mailing address (with Zip Code) day and evening phone numbers, social security number, country of citizenship, highest federal civilian grade held (also give job series and dates held);
 - b) Education: high school name, city and State (Zip code if known) date of diploma or GED, colleges and universities; name city and state (Zip code if known, majors, type and year of any degrees received (if no degree, show total credits earned and indicate whether semester or quarter hours);
 - c) Work Experience: give the following information for your paid and non paid work experience related to the job for which your are applying (do not send job descriptions); job title (include series and grade if federal job), duties, and accomplishments, employers name and address, supervisor's name and phone number, starting and ending dates (month and year), hours per week, salary. Indicate if we may contact your current supervisor;
 - d) Other Qualifications: job-related training courses (title & year), job related skills; for example, other languages, computer software /hardware, tools, machinery, typing speed, job related certificates (current only), job-related honors, awards, and special accomplishments, for examples, publications, memberships in professional or honor societies, leadership, activities, public speaking, and performance awards (give dates but do not send documents unless requested).
 - e) Names, contact numbers, and addresses of three professional references;
 - f) A written statement certifying the date and length of time for which the candidate is available for the position.

Please ensure coverage of the following in writing if not explicit in the resume, and attach to the cover letter and resume.

XII. MAILING ADDRESS

Interested candidates should send the above information via pouch mail, International mail or hand-carry, to the attention of **Mr. Dale J. Gredler, Contracting Officer**, Office of Procurement, USAID/Indonesia at one of the following addresses:

U.S. MAIL

Office of Procurement
American Embassy Jakarta
Unit 8135 USAID
FPO AP 96520-8135 (allow 2 to 3 weeks for delivery)

INTERNATIONAL MAIL

Office of Procurement
USAID/Indonesia
American Embassy
Jl. Medan Merdeka Selatan No. 3-5
Jakarta 10110, Indonesia (allow 2 to 3 weeks for delivery)

HANDCARRY / DHL

Office of Procurement
USAID/Indonesia
American Embassy
Jl. Medan Merdeka Selatan No. 3-5
Jakarta Pusat, Indonesia

MARKING INSTRUCTIONS:

Clearly mark envelopes containing applications as follows:

SOLICITATION No. Indonesia 06-002

Closing Date: December 15, 2005

XIII. CLOSING DATE

Applications must be in the Office of Procurement, USAID/Indonesia, no later than December 15, 2005 at 3:00 pm Jakarta time. For those who send their application by U.S. mail or international mail, applicants may also send application, SF 171 or OF-612 and CV by E-mail attachment to Mr. Dale J. Gredler at dgredler@usaid.gov or Ms. Susilowati at sibrahim@usaid.gov or through fax number (62-21) 3483-0222 to ensure receipt of your application before the closing date. To ensure consideration of

applications for the intended position, please reference the solicitation number on your application, and as the subject line in any cover letter.

ATTACHMENT 2

AS A MATTER OF POLICY, AND AS APPROPRIATE, A PSC IS NORMALLY AUTHORIZED THE FOLLOWING BENEFITS (Note: an individual defined as a Resident Hire employee may only be eligible for those benefits listed under item 1. below):

1. BENEFITS

- a. Employee's FICA Contribution
- b. Contribution toward Health & Life Insurance
- c. Pay Comparability Adjustment
- d. Annual Increase
- e. Eligibility for Worker's Compensation
- f. Annual & Sick Leave

2. ALLOWANCES (if applicable) *

- a. Temporary Lodging Allowance (Section 120)
- b. Housing (Section 130)
- c. Post Allowance (Section 220)
- d. Supplemental Post Allowance (Section 230)
- e. Separate Maintenance Allowance (Section 260)
- f. Education Allowance (Section 270)
- g. Education Travel (Section 280)
- h. Post Differential (Chapter 500)
- i. Payments during Evacuation/Authorized departure (Section 600), and
- j. Danger Pay (Section 650)

LIST OF REQUIRED FORMS FOR PSCs

- 1. Standard Form 171 or OF-612
- **2. Physical Examination (Form DS-1843 and DS-1622)
- **3. Questionnaire for Sensitive Positions (for National Security) (SF-86), or
- **4. Questionnaire for Non-Sensitive Positions (SF-85)
- **5. Finger Print Card (FD-258)

NOTE:

- * Standardized Regulations (Government Civilians Foreign Areas)
- ** The forms listed 2 through 5 shall only be completed upon the advice of the Contracting Officer that an applicant is the successful candidate for the job.